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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/679,886

10/06/2003

Masayuki Uegane

IIP-111-A

3845

21828

7590

09/21/2005

CARRIER BLACKMAN AND ASSOCIATES

24101 NOVI ROAD

SUITE 100

NOVI, MI 48375

EXAMINER

SAN MARTIN, EDGARDO

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HA

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,886	<b>Applicant(s)</b> UEGANE ET AL.	
	<b>Examiner</b> Edgardo San Martin	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-18 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/6/03;5/5/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities:
  - The Claim should be dependent upon claim 9, instead of claim 2, in order to avoid 35 USC 112, second paragraph issues.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 7 and 11 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamikane (JP 2001-123817).

With respect to claims 1, 2, 4, 12 and 13, Kamikane teaches a valve device (Fig.1, Item 4) for a silencer (Fig.1, Item 1), which opens a bypass passage provided in the silencer to flow exhaust gas through the bypass passage when exhaust gas pressure rises to a certain pressure, the valve device comprising a base (Fig.2A, Item 14) having a valve opening (Fig.2A, Item 41) through which exhaust gas flows; a plate-like valve (Fig.2A, Item 43) which opens and closes the valve opening; a stopper (Fig.2A, Item 46) which restricts a degree of opening of the plate-like valve; and a plate-like spring (Fig.2A, Item 47) urges the plate-like valve toward a closed position thereof;

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the plate-like valve being fixed to the base and the stopper at a proximal portion of the valve; and the plate-like valve is reinforced against deflection in a certain range extending from its distal end toward the proximal portion; wherein a distal end of the plate-like spring abuts on a surface of the plate-like valve to urge the plate-like valve toward the closed position thereof, the plate spring member is obliquely arranged relative to the plate-like valve such that an abutting position of the plate spring member against the plate-like valve shifts toward the proximal portion of the plate-like valve with an increase in a deflection amount of the plate-like valve, and the plate spring member abuts on the reinforced range of the plate-like valve (Fig.2A; ¶ [0017] – [0021]).

With respect to claims 3, 5 - 7, 11 and 14 – 17, the Examiner considers that Kamikane teaches the limitations described in the claims (Figs. 1, 2A and 2B; ¶ [0010] – [0021]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 – 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamikane (JP 2001-123817).

With respect to claims 8 and 18, Kamikane teaches the limitations discussed in a previous rejection, but fail to disclose wherein a distal end of the plate spring member which operatively engages the valve is bent to form a curved surface.

The Examiner considers that it would have been an obvious matter of design choice to provide a bent to the distal end of the plate spring in order to facilitate the spring to slide over the surface of the valve when the valve is in an open position, in addition, it would avoid damage to the surface of the valve due to the rectangular or flat profile of the distal end edge of the spring. It would work as the upper bent in front of snow skis that would help avoid the sinking of the skis front edge into the snow, decreasing the chances of a skier to fall down.

With respect to claims 9 and 10, the Examiner considers that it would have been an obvious matter of design choice to include a second plate spring member, which urges the valve toward a close position, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### ***Conclusion***

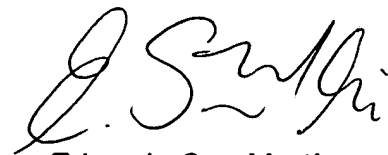
4. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

**Contact Information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martín whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín  
Primary Examiner  
Art Unit 2837  
Class 181  
September 18, 2005